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Summary record of the 25th meeting
Held at Headquarters, New York, on Friday, 23 December 2011, at 11 p.m.

Chair:	Mr. Tommo Monthe	(Cameroon)
later:	Mr. Ballantyne (Vice-Chair)	(New Zealand)
later:	Mr. Tommo Monthe (Chair)	(Cameroon)
	Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Kelapile	

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Agenda item 142: Report on the activities of the Office of Internal Oversight Services (*continued*)

Agenda item 132: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*)

Agenda item 143: Administration of justice at the United Nations (*continued*)

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Questions deferred for future consideration

Closure of the work of the Fifth Committee during the main part of the sixty-sixth session of the General Assembly

The meeting was called to order at 7.45 a.m.

Agenda item 131: Financial reports and audited financial statements, and reports of the Board of Auditors (*continued*) (A/C.5/66/L.9)

Draft resolution A/C.5/66/L.9: Financial reports and audited financial statements, and reports of the Board of Auditors

1. *Draft resolution A/C.5/66/L.9 was adopted.*

Agenda item 137: Pattern of conferences (*continued*) (A/C.5/66/L.25)

Draft resolution A/C.5/66/L.25: Pattern of conferences

2. *Draft resolution A/C.5/66/L.25 was adopted.*

Agenda item 139: Human resources management (*continued*) (A/C.5/66/L.4)

Draft resolution A/C.5/66/L.4: Human resources management

3. **Ms. Van Buerle** (Secretary of the Committee), said that the figures in paragraph 14 of the draft resolution should be $398,300 and $3,880,100, respectively.

4. *Draft resolution A/C.5/66/L.4 was adopted.*

Agenda item 141: United Nations common system (*continued*) (A/C.5/66/L.27)

Draft resolution A/C.5/66/L.27: United Nations common system: report of the International Civil Service Commission

5. *Draft resolution A/C.5/66/L.27 was adopted.*

Agenda item 142: Report on the activities of the Office of Internal Oversight Services (*continued*) (A/C.5/66/L.26)

Agenda item 132: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*) (A/C.5/66/L.26)

Draft resolution A/C.5/66/L.26: Report of the Office of Internal Oversight Services on its activities

6. *Draft resolution A/C.5/66/L.26 was adopted.*

Agenda item 143: Administration of justice at the United Nations (*continued*) (A/C.5/66/L.10)

Draft resolution A/C.5/66/L.10: Administration of justice at the United Nations

7. *Draft resolution A/C.5/66/L.10 was adopted.*

Agenda item 129: International residual mechanism for criminal tribunals (*continued*) (A/C.5/66/L.13)

Agenda item 144: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (*continued*) (A/C.5/66/L.11 and L.13)

Agenda item 145: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (*continued*) (A/C.5/66/L.12 and L.13)

Draft resolution A/C.5/66/L.11: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

8. *Draft resolution A/C.5/66/L.11 was adopted.*

Draft resolution A/C.5/66/L.12: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

9. *Draft resolution A/C.5/66/L.12 was adopted.*

Draft resolution A/C.5/66/L.13: International Residual Mechanism for Criminal Tribunals

10. *Draft resolution A/C.5/66/L.13 was adopted.*

Agenda item 147: Financing of the United Nations Interim Security Force for Abyei (*continued*) (A/C.5/66/L.6)

Draft resolution A/C.5/66/L.6: Financing of the United Nations Interim Security Force for Abyei

11. Draft resolution A/C.5/66/L.6 was adopted.

Agenda item 149: Financing of the United Nations Operation in Côte d'Ivoire (*continued*) (A/C.5/66/L.14)

Draft resolution A/C.5/66/L.14: Financing of the United Nations Operation in Côte d'Ivoire

12. *Draft resolution A/C.5/66/L.14 was adopted.*

Agenda item 161: Financing of the United Nations Mission in South Sudan (*continued*) (A/C.5/66/L.15)

Draft resolution A/C.5/66/L.15: Financing of the United Nations Mission in South Sudan

13. *Draft resolution A/C.5/66/L.15 was adopted.*

Agenda item 162: Financing of the United Nations Mission in the Sudan (*continued*) (A/C.5/66/L.16)

Draft resolution A/C.5/66/L.16: Financing of the United Nations Mission in the Sudan

14. *Draft resolution A/C.5/66/L.16 was adopted.*

Agenda item 133: Programme budget for the biennium 2010-2011 (*continued*)

Final budget appropriations for the biennium 2010-2011 (A/C.5/66/L.17)

Final income estimates for the biennium 2010-2011 (A/C.5/66/L.17)

Draft resolution A/C.5/66/L.17: Programme budget for the biennium 2010-2011

15. *Draft resolution A/C.5/66/L.17 was adopted.*

Agenda item 134: Proposed programme budget for the biennium 2012-2013 (*continued*) (A/C.5/66/L.7 and L.8 and L.18-L.24)

Draft decision A/C.5/66/L.7

A: Programme budget implications of draft resolution A/C.3/66/L.55/Rev.1: Situation of human rights in Myanmar

B: Programme budget implications of draft resolution A/C.3/66/L.29/Rev.1: Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

C: Programme budget implications of draft resolution A/66/L.21: Oceans and the law of the sea

16. *Draft resolution A/C.5/66/L.7 was adopted.*

Draft resolution A/C.5/66/L.18: Questions relating to the proposed programme budget for the biennium 2012-2013

17. *Draft resolution A/C.5/66/L.18 was adopted.*

18. **Mr. Prokhorov** (Russian Federation) said that it unacceptable that section 24, Human rights, of the programme budget for the biennium 2012-2013 was inconsistent with the strategic framework. He expressed concern that doubts had been cast on the views of the Committee for Programme and Coordination: in effect, the Secretariat had ignored the opinion of the Member States and included components that it found advantageous. The United Nations was an intergovernmental organization whose duty it was to implement the decisions of its Member States. The only reason his delegation had not put the entire programme budget to a vote was because it did not wish to go against the consensus reached after long and complex consultations. However, in assessing the implementation of section 24 of the programme budget, the Russian Federation would rely upon the language of the strategic framework adopted at the intergovernmental level.

Contingency fund: consolidated statement of programme budget implications and revised estimates

19. **The Chair**, recalling that at its 24th meeting the Committee had had before it the report of the Secretary-General on the contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/66/13) and the related report of the Advisory Committee (A/66/7/Add.23), suggested that the Committee should recommend to the General Assembly that it note that a balance of $13,762,500 would remain in the fund.

20. *It was so decided.*

Draft report of the Fifth Committee (A/C.5/66/L.23)

21. **The Chair** drew attention to the draft report of the Fifth Committee (A/C.5/66/L.23), which described the actions taken by the Committee and also contained its recommendations. He invited the Committee to consider the draft resolutions in chapter III.

Draft resolution I: Questions relating to the proposed programme budget for the biennium 2012-2013 (A/C.5/66/L.18)

22. **The Chair** recalled that draft resolution I had been adopted earlier in the meeting.

Draft resolution II: Special subjects relating to the proposed programme budget for the biennium 2012-2013 (A/C.5/66/L.19)

23. **Mr. Cumberbatch** (Cuba), speaking also on behalf of the Islamic Republic of Iran, Nicaragua and the Bolivarian Republic of Venezuela, proposed an oral amendment by which two new operative paragraphs would be inserted into section IX of the draft resolution. The first paragraph would read, "Decides to delete all references to the activities and outputs related to the responsibility to protect, as contained in the proposed strategic framework and the related narratives of the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide (see A/66/354/Add.1), in accordance with its resolution 64/245" and the second would read, "Requests the Secretary-General accordingly to issue a corrigendum to his report A/66/354/Add.1".

24. The draft resolution contained resource proposals that the delegations for which he spoke could not support. The proposals set out in document A/66/354/Add.1 relating to the activities of the Special Adviser on the Prevention of Genocide violated the procedures and rules of the General Assembly for the presentation of strategic frameworks and the submission of narratives in budget documents. He failed to understand how reports of the Secretary-General had come to be interpreted as legislative mandates. It was unacceptable that concepts which were under discussion by the General Assembly and on which there were differences of opinion had been incorporated into the strategic framework as though they had been approved by the Member States. No General Assembly resolution had made the responsibility to protect part of the Special Adviser's core mandate.

25. While he acknowledged the good intentions of States that wished to make the responsibility to protect an international standard, the legitimate concerns prompted by the issue could not be ignored. The responsibility to protect was being misused by States that sought to justify intervention and the use of force. The delegations for which he spoke were firm advocates of the need to deal urgently with the grave problems suffered by millions throughout the world: that would be possible only through the establishment of an international order based on solidarity, social justice, equity and respect for the rights of peoples and individuals. The principles of sovereignty, territorial integrity and non-interference in matters of State must be defended; otherwise, the United Nations would not survive and small weak States would be at the mercy of large strong ones. There could be no justification for any use of force not permitted by the Charter.

26. At present, there was no clear and generally accepted definition of the responsibility to protect. It was therefore unacceptable, in a budget document, to prejudge deliberations that must take place in the General Assembly and to impose matters that did not enjoy consensus among the Members of the Organization. For those reasons, the four delegations supported the proposed amendment.

27. **Ms. Clairingbould** (Netherlands) said that her delegation did not agree with the narrative suggested in the proposed amendment. A more important reason for opposing it, however, was that its substance lay outside the remit of the Fifth Committee as the Main Committee of the Assembly responsible for administrative and budgetary matters. Her delegation requested a recorded vote on the proposed amendment and invited other delegations to vote against it.

28. **Mr. Janczak** (Poland), speaking on behalf of the European Union, said that the Fifth Committee was entrusted with responsibility for administrative and budgetary matters. Its deliberations should focus on those aspects of the items under consideration and should not include discussions which belonged in other United Nations forums. It was the Committee's responsibility to ensure that the Office of the Special Adviser on the Prevention of Genocide had adequate funding to implement its mandate. The activities of that Office, as proposed under thematic cluster I of the

estimates in respect of special political missions (A/66/354/Add.1), were fully justified on the basis of decisions taken by the Assembly and the Security Council. The States members of the European Union would therefore vote against the proposed amendment and invited other delegations to do the same.

29. **Mr.** Idris **Hassan** (Sudan) said that his delegation supported the proposed amendment. The nature of the Fifth Committee did not prevent Member States from voicing their concerns on the matters before it.

30. *At the request of the representative of the Netherlands, a recorded vote was taken on the oral amendment proposed by the representative of Cuba.*

In favour:

Bolivia (Plurinational State of), Cuba, Iran (Islamic Republic of), Liberia, Myanmar, Namibia, Nicaragua, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of).

Against:

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mexico, Monaco, Montenegro, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Algeria, Antigua and Barbuda, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Cameroon, China, Comoros, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Grenada, Indonesia, Iraq, Jamaica, Jordan, Kuwait, Kyrgyzstan, Lebanon, Libya, Malaysia, Mali, Mongolia, Morocco, Oman, Philippines, Qatar, Russian Federation, Saudi Arabia, Serbia, South Africa, Sri Lanka, Thailand, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia.

31. *The oral amendment was rejected by 71 votes to 11, with 42 abstentions.**

32. **Ms. Zarrouk Boumiza** (Tunisia), speaking in explanation of position, said that, while the idea of the responsibility to protect was noble, it required discussion in order to reach consensus on a well-defined concept that should nevertheless not be substituted for the fundamental principles of the Charter. It would have been preferable to consider the matter in the Sixth Committee.

33. **Ms. Anzola Padrón** (Bolivarian Republic of Venezuela), speaking also on behalf of Cuba, the Islamic Republic of Iran and Nicaragua, requested a recorded vote on section IX of the draft resolution. The delegations' objection to section IX pertained only to the Office of the Special Adviser on the Prevention of Genocide and activities relating to the responsibility to protect. The delegations had expressed their concern at the change to the strategic framework for the Office contained in document A/66/354/Add.1, which included in its mandate a concept on which there was no intergovernmental consensus. That constituted a serious flaw in the administrative procedures for the allocation of the Organization's resources, which should be used only for the discharge of approved mandates. The Member States had agreed that the issue of the responsibility to protect required further consideration; however, the strategic framework had included proposals made by the Secretary-General that had not been acted on by the Assembly but that were now reflected in the activities, priorities and mandate of the Special Adviser.

34. The prime responsibility to protect fell to States; the international community could play a constructive role by supporting national endeavours in that regard with full respect for the Charter of the United Nations, the sovereignty and territorial integrity of States and non-interference in their internal affairs.

35. **Mr.** Idris **Hassan** (Sudan) said that his delegation would vote against section IX of the draft resolution because the concept of the responsibility to protect was ill-defined and had, unfortunately, been utilized in the

* The delegation of Liberia subsequently informed the Committee secretariat that it had intended to vote against the oral amendment.

service of a few States without taking into consideration the views of the vast majority of States Members of the United Nations.

36. *At the request of the representative of the Bolivarian Republic of Venezuela, a recorded vote was taken on section IX of draft resolution II.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Viet Nam.

Against:

Bolivia (Plurinational State of), Cuba, Iran (Islamic Republic of), Nicaragua, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of).

Abstaining:

Comoros, Djibouti, Grenada, Indonesia, Sri Lanka, Trinidad and Tobago, Yemen, Zambia.

37. *Section IX of draft resolution II was adopted by 119 votes to 7, with 8 abstentions.*

38. *Draft resolution II was adopted.*

Draft resolution III: Programme budget for the biennium 2012-2013 (A/C.5/66/L.20)

39. **The Chair** drew attention to draft resolution III. Section A dealt with budget appropriations for the biennium 2012-2013, section B with income estimates for the biennium 2012-2013 and section C with the financing of appropriations for the year 2012.

40. *Draft resolution III was adopted.*

Draft resolution IV: Unforeseen and extraordinary expenses for the biennium 2012-2013 (A/C.5/66/L.21)

41. *Draft resolution IV was adopted.*

42. *Mr. Ballantyne (New Zealand), Vice-Chair, took the Chair.*

Draft resolution V: Working Capital Fund for the biennium 2012-2013 (A/C.5/66/L.22)

43. *Draft resolution V was adopted.*

Draft decision A/C.5/66/L.8: Capital master plan

44. *Draft decision A/C.5/66/L.8 was adopted.*

45. **The Chair** invited the Committee to adopt the draft report contained in document A/C.5/66/L.23.

46. *The draft report of the Fifth Committee was adopted.*

Agenda item 132: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*)

Questions deferred for future consideration (A/C.5/66/L.24)

Draft decision A/C.5/66/L.24: Questions deferred for future consideration

47. *Draft decision A/C.5/66/L.24 was adopted.*

48. *Mr. Tommo Monthe (Cameroon) resumed the Chair.*

Closure of the work of the Fifth Committee during the main part of the sixty-sixth session of the General Assembly

49. **The Chair** declared that the Fifth Committee had completed its work at the main part of the sixty-sixth session of the General Assembly.

The meeting rose at 9.20 a.m.